

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

By this amendment, claims 1, 3, 4, 6, 7, and 9 have been amended, claims 2, 5, and 8 have been canceled, and new claims 10-18 have been added. Upon entry of this amendment, claims 1, 3-4, 6-7, and 9-18 will be pending.

§103 Rejection of Claims 1-2, 4-5, and 7-8

The Examiner has rejected claims 1-2, 4-5, and 7-8 under 35 U.S.C. §103(a) as being unpatentable over Isashi (U.S. Patent 5,898,600; hereinafter referred to as "Isashi") in view of allegedly admitted prior art. This rejection is respectfully traversed below.

As shown above, claim 1 of the present application has been amended and calls for:

1. (Currently Amended) An information processing apparatus which has a graphic user interface adopting windows and which is capable of selecting and operating any of a plurality of application programs, said information processing apparatus comprising:
 - image pickup means for picking up an image of an object;
 - detecting means for detecting operations performed by a user; and
 - controlling means for controlling an application program so that said application program is activated to pick up said image when said detecting means detects operations;
 - wherein said detecting means detects a first operation and a second operation performed by said user and both the first operation and the second operation are performed using the same push button, and
 - wherein said controlling means activates a window for said application program for picking up said image when said detecting means detects said first operation, said controlling means further causing said image pickup means to pick up said image and storing

said picked up image when said detecting means detects said second operation.

Accordingly, in claim 1, the first operation and the second operation are performed using the same push button. When a user performs the first operation using the push button, the controlling means activates a window for the application program for picking up the image from the image pickup means. When the user performs the second operation using the same push button, the controlling means causes the image pickup means to pick up the image and stores the picked up image. Therefore, the controlling means activates the window for the application program and stores the picked up image in response to operations performed using the same push button.

It does not appear that the Examiner has established how the cited combination of Isashi and the allegedly admitted prior art, as relied upon by the Examiner, discloses or suggests claim 1. As discussed above, in one aspect of claim 1, the first operation and the second operation are performed using the same push button. It does not appear that the Examiner has established how this cited combination discloses or suggests this aspect of claim 1. In rejecting claim 1, it does not appear that the Examiner has addressed how Isashi shows that the first operation and the second operation are performed using the same push button. In rejecting claim 2 (now canceled), the Examiner states: "Isashi discloses a control means that upon detecting a first operation activates a window for an application program for picking up an image and upon detecting a second operation causes image pickup means to pick up said image (Column 30 lines 63-66, Column 31 lines 14-23 and Column 16 lines 31-65)." While the Examiner has addressed a first and second operation, it does not appear that the Examiner has explained in rejecting claim 2 either how Isashi shows that the first operation and the second operation are performed using

the same push button. It does not appear that the Examiner relies upon the allegedly admitted prior art to show this aspect of claim 1.

As discussed above, because the first operation and the second operation are performed using the same push button, the controlling means activates the window for the application program and stores the picked up image in response to operations performed using the same push button. Accordingly, it is submitted that the Examiner must establish how the cited references show or suggest this aspect of claim 1 in order to reject claim 1 over these references. However, it is also submitted that, in the current rejections of claims 1 and 2, the Examiner has not presented such an explanation.

Accordingly, it is respectfully submitted that the Examiner has not established how Isashi and the allegedly admitted prior art, as relied upon by the Examiner, anticipate or suggest claim 1, and so also has not established how Isashi and the allegedly admitted prior art, as relied upon by the Examiner, anticipate or suggest claims 3 and 10-12 that depend therefrom. Similar arguments apply to claims 4 and 7, and so to claims 6 and 13-15 that depend from claim 4, and to claims 9 and 16-18 that depend from claim 7.

Based upon the foregoing, it is submitted that claims 1-2, 4-5, and 7-8 are not anticipated by nor rendered obvious by the teachings of Isashi and the referenced allegedly admitted prior art, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 4-5, and 7-8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3, 6, and 9

The Examiner has rejected claims 3, 6, and 9 under 35 U.S.C. §103(a) as being unpatentable over Isashi in view of allegedly admitted prior art and further in view of Mitsuhashi et al. (U.S. Patent 6,184,930; hereinafter referred to as "Mitsuhashi"). This rejection is respectfully traversed below.

Claim 3 depend from claim 1. As discussed above, it is submitted that the rejection to claim 1 has been overcome. Accordingly, it is submitted that the rejection to claim 3 has also been overcome through the dependence of claim 3 upon claim 1. Similar arguments apply to claim 6 that depends from claim 4, and to claim 9 that depends from claim 7.

Based upon the foregoing, it is submitted that claims 3, 6, and 9 are not anticipated by nor rendered obvious by the teachings of Isashi, the referenced allegedly admitted prior art, and Mitsuhashi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 3, 6, and 9 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1, 3-4, 6-7, and 9-18 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are

made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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